

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PLAINTIFF ROQUETTE FRÈRES' MOTION FOR  
LEAVE TO FILE A SUPPLEMENTAL ANSWERING BRIEF IN  
OPPOSITION TO THE DRYTEC ENTITIES'  
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

Plaintiff Roquette Frères (“Roquette”) moves for leave to file a brief two-page supplement to its Answering Brief (D.I. 84), in the form submitted herewith (Tab 1).

On July 10, 2007, Defendants Drytec Contract Processing Ltd., Anhydro U.K. Ltd. (formerly "Drytec Ltd.") and Anhydro Holding A/S (collectively "the Drytec Entities") filed their joint motion to dismiss for lack of personal jurisdiction (D.I. 70), which motion is pending before the Court. Roquette filed its Answering Brief (D.I. 84) on July 27, 2007 and the Drytec Entities replied on August 3, 2007 (D.I. 88).

On October 31, 2007, Co-Defendant SPI Pharma, Inc.’s (“SPI”) President gave deposition testimony that is relevant to the Drytec Entities motion and contrary to assertions presented in the Drytec Entities’ Reply Brief. Accordingly, Roquette requests the opportunity to submit that relevant information in the form of a short supplement to its Answering Brief.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Julia Heaney (#3052)*

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Mary B. Graham (#2256)  
Julia Heaney (#3052)  
Benjamin J. Schladweiler (#4601)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200

*Attorneys for Plaintiff Roquette Frères*

OF COUNSEL:

Douglas. V. Rigler  
Andrew J. Patch  
YOUNG & THOMPSON  
745 South 23<sup>rd</sup> Street, Suite 200  
Arlington, VA 22202  
(703) 521-2297

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Original Filing Date: November 2, 2007  
Redacted Filing Date: November 28, 2007

**RULE 7.1.1 CERTIFICATE**

Pursuant to D. Del. L.R. 7.1.1, this is to certify that counsel for plaintiff has discussed the subject matter of this motion with counsel for defendants and counsel for defendants stated that they will oppose the motion.

*/s/ Julia Heaney (#3052)*

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Julia Heaney (#3052)

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on November 28, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

John W. Shaw  
Jeffrey T. Castellano  
YOUNG, CONAWAY, STARGATT & TAYLOR  
The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, DE 19899-0391

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on November 28, 2007 upon the following individuals in the manner indicated:

**BY E-MAIL**

John W. Shaw  
Jeffrey T. Castellano  
YOUNG, CONAWAY, STARGATT & TAYLOR  
The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, DE 19899-0391

Brian P. Murphy  
Oren D. Langer  
MORGAN, LEWIS & BOCKIUS LLP  
101 Park Avenue  
New York, NY 10178

*/s/ Julia Heaney (#3052)*

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Julia Heaney (#3052)  
jheaney@mnat.com

**TAB 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**PLAINTIFF'S SUPPLEMENTAL ANSWERING BRIEF IN  
OPPOSITION TO MOTION TO DISMISS FOR LACK OF PERSONAL  
JURISDICTION OF DEFENDANTS DRYTEC CONTRACT PROCESSING LTD.,  
ANHYDRO U.K. LTD. AND ANHYDRO HOLDING A/S**

MORRIS, NICHOLS, ARSH & TUNNELL LLP  
Mary B. Graham (#2256)  
Julia Heaney (#3052)  
Benjamin J. Schladweiler (#4601)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
*Attorneys for Plaintiff Roquette Frères*

## OF COUNSEL:

Douglas. V. Rigler  
Andrew J. Patch  
YOUNG & THOMPSON  
745 South 23<sup>rd</sup> Street, Suite 200  
Arlington, VA 22202  
(703) 521-2297

November 2, 2007

The Drytec Entities informed this Court that no representative of Drytec ever visited Delaware in connection with Drytec's spray-drying manufacturing agreement with SPI and shipments to Delaware of Mannogem EZ. At a deposition this Wednesday, SPI's President admitted that J.M. ("Mel") Pope – then Managing Director of Anhydro U.K. Ltd. and Drytec Contract Processing – personally traveled to Delaware to meet SPI's executives for that very purpose.

In its Answering Brief, Roquette stated that in 2000 Mr. Pope visited SPI's President, Rana Kayal, in Delaware regarding their developing business plans for the manufacture of spray-dried mannitol. (*See* D.I. 84, at 9-10). In support, Roquette submitted *inter alia* a letter from Mr. Pope to Mr. Kayal, dated September 29, 2000, [REDACTED]

[REDACTED] (D.I. 84, at Exh. E). Roquette also submitted Mr. Kayal's letter of reply, dated October 2, 2000, in which Mr. Kayal wrote, [REDACTED]

[REDACTED] (*Id.*) (emphasis added).

In its Reply Brief, the Drytec Entities asserted that the referenced visits occurred only in Grand Haven, Michigan and denied that anyone on behalf of the Drytec Entities had ever visited Delaware. (*See* D.I. 88, at 8, n. 7) [REDACTED]

During Mr. Kayal's deposition on October 31, 2007, counsel for Roquette asked Mr. Kayal what facilities he was referring to in his October 2, 2000 letter. Mr. Kayal reviewed the letter and answered, [REDACTED]

[REDACTED] (See Rough Transcript of Deposition of Shuvashis Rana Kayal, at page 46, line 8 to page 47, line 12, Exhibit A hereto).

It therefore appears that, in addition to the Drytec Entities' numerous other contacts with Delaware cited in Roquette's Answering Brief, there now is direct evidence of at least one high level visit by the Drytec Entities Managing Director to Delaware in specific connection with the large volume of spray-dried mannitol related business conducted between the Drytec Entities and Delaware-based SPI, which business continued over a multi-year period until at least 2006.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Julia Heaney (#3052)*

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Mary B. Graham (#2256)  
Julia Heaney (#3052)  
Benjamin J. Schladweiler (#4601)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
*Attorneys for Plaintiff Roquette Frères*

OF COUNSEL:

Douglas. V. Rigler  
Andrew J. Patch  
YOUNG & THOMPSON  
745 South 23<sup>rd</sup> Street, Suite 200  
Arlington, VA 22202  
(703) 521-2297

November 2, 2007

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## **EXHIBIT A**

REDACTED IN ITS ENTIRETY